

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JAN F. BECKER,)
Petitioner,)
v.) Civil Action No. 07-546-GMS
STUART C. HUDSON, Warden,)
and ATTORNEY GENERAL OF)
THE STATE OF DELAWARE,)
et. al.,)
Respondents.)

O R D E R

At Wilmington this 11th day of Oct., 2007;

IT IS ORDERED that:

1. Petitioner Jan F. Becker's Motion for Leave to Proceed *In Forma Pauperis* is provisionally GRANTED with respect to this Order. (D.I. 1.)
2. Pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United District Court, 28 U.S.C. foll. § 2254, Becker's *pro se* petition for the writ of habeas corpus pursuant to 28 U.S.C. § 2254 is DISMISSED without prejudice. (D.I. 2.)

Becker challenges a conviction entered by the Holmes County Court of Common Pleas, located in the State of Ohio, and he is presently incarcerated at the Mansfield Correctional Institution in Mansfield, Ohio. (D.I. 2.) This court is located in the State of Delaware, and therefore, it does not have jurisdiction to review Becker's habeas petition. *See* 28 U.S.C. § 2241(d)(petition may be filed either in the district "wherein such person is in custody or . . . the district within which State court was held which convicted and sentenced him").

Further, Becker has filed numerous habeas petitions in federal district courts located throughout the country, including California, Connecticut, Kentucky, Missouri, Ohio, New York, Tennessee, Georgia, Florida, North Carolina, and Pennsylvania. While some of those petitions are still pending before the various courts, many of those petitions have been denied. *See, e.g., Becker v. Hudson*, 2007 WL 1455821 (N.D. Fla. May 15, 2007); *Becker v. Hudson*, 2007 WL 1035009 (W.D. Ky. Apr. 2, 2007); *Becker v. Hudson*, 2006 WL 379152 (S.D. Oh. Dec. 22, 2006). The record is clear that Becker has not obtained an order from the Court of Appeals for the Third Circuit authorizing this district court to consider the instant § 2254 petition. *See* 28 U.S.C. § 2244(b)(3). Accordingly, pursuant to 28 U.S.C. § 2244(a), the court alternatively dismisses Becker's petition as successive, and declines to transfer the case to a federal court in Ohio because such a transfer would not be in "furtherance of justice." 28 U.S.C. § 2241(d); 28 U.S.C. § 1406(a).

3. The court declines to issue a certificate of appealability. *See* 28 U.S.C. § 2253(c)(2); *United States v. Eyer*, 113 F.3d 470 (3d Cir. 1997); 3rd Cir. Local Appellate Rule 22.2 (2000).

4. The clerk of the court is directed to mail a copy of this order to Becker at his address of record.



UNITED STATES DISTRICT JUDGE

